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In re Application of :
Caprasse et al. :
Application No. 10/591187 :
Filing or 371(c) Date: 08/30/2006 : DECISION
Attorney Docket Number: DC10047 PCT 1 : ON PETITION

This is a decision on the correspondence entitled "Information for Withdrawal of Abandonment-PTO has no Evidence that Mailed Correspondence Received," filed July 24, 2008. The correspondence is properly treated as a petition to withdraw the holding of abandonment based upon evidence that a reply was timely filed pursuant to 37 C.F.R.1.181(a). See, MPEP 711.03(c).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed December 13, 2007. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on March 14, 2008. A Notice of Abandonment was mailed July 17, 2008.

Applicant files the present Petition and asserts that a timely reply to the Office action was filed via facsimile on April 11, 2008, including a one (1) month extension of time request and fee. In support of this assertion, Applicant includes a copy of the reply, along with a copy of an Auto-Reply Facsimile Transmission report from this Office acknowledging receipt of 9 pages from Petitioner on April 11, 2008. A review of the copy of the reply filed with the petition reveals that it includes a Certificate of Transmission under 37 CFR 1.8 that the reply was sent on April 11, 2008. The Certificate of Transmission is executed by Petitioner herein. Petitioner also includes a copy of the sending unit's Transmission Report. Accord 37 CFR 1.8(b)(3).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due. The extension of time fee has been charged Applicant's deposit account.

The application will be referred to Technology Center Art Unit 1796 for processing of the copy of the Response/amendment filed with the present petition.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
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Office of Petitions